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DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.

    4a) Of the above claim(s) *6, 15 and 19-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-14, 16-18 and 27-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *10,11*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   The amendment filed on 18 November 2003 is noted and made of record.

2.   Claims 1 through 58 are presented for examination.

3.   Claims 6, 15, and 19-26 have been cancelled as per the Applicant's request.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-5, 7-14, 16-18, 27-42 have been

considered but are moot in view of the new ground(s) of rejection.

5.   See further rejections that follow.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 4, 5, 7, 8, 16, 30 through 33, 37, and 40 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent No. 5,936,968 to Lyons, hereinafter Lyons.

8.   As per claim 1, Lyons discloses a system for transferring real time video information

from a source device to one of a plurality of output devices. Lyons teaches an image-capturing

device to acquire video information in Figure 2, block 116, and column 3, lines 44-55, wherein

he discloses the input device comprises cameras or recorders and all the necessary hardware,

thereby suggesting a processor, a graphics module, a packetizing portion, and an output device to

transmit the packetized stream of data via a network. For more information about digital video

cameras please refer to U.S. Patent No. 5,570,128; U.S. Patent No. 5,572,254; and U.S. Patent

No. 5,343,243. Lyons teaches a network gateway coupled to the image-capturing device in

Figures 1, 2, and 4, as well as in column 3, lines 26-34 and column 4, lines 36-51. Lyons

discloses two different instances of converting the packetized information from one format to a

second format. First, in Figure 2, block 212, Lyons teaches an analog-to-digital converter which

converts an analog signal to a digital signal. The other instance of Lyons discussing converting

the packetized information from one format to a second format is again in Figure 2, this time

block 210, and column 4, lines 36-38, wherein Lyons discusses converting the input signals to

MPEG compliant elementary streams. Lastly, Lyons discloses a packetizing portion to transfer

the packetized streams of information in the second format to the network in column 4, lines 46-

51, wherein he discusses an "output" transport stream. Lyons teaches a display device in Figure

1, block 140, in addition to discussing several display devices in column 3, lines 14-24. Lyons

discloses a set-top terminal and a computer as an example, both of which are used to convert the

packetized stream of information into video information for display and a display for displaying

the video information on the display device, such as a TV for the set-top terminal and a monitor

for the computer. Lyons shows that the first format is selected from compressed and

uncompressed audio video formats in column 4, lines 36-41 in his discussion of various input

signals and "raw" input signals, thereby providing the data to be presented in multiple formats.

The Authoritative Dictionary of IEEE Standards Terms, 7th Edition defines raw data as data

that has not been processed or reduced from its original form. Lyons discloses where the

network gateway (digital studio) can provide multiple streams of information, having unique sets

of characteristics, from which at least one stream can be selected to be displayed on the display

in column 3, lines 56-63 and column 4, lines 36-51. Lyons states in the background of the

invention that the present invention relates to broadcasting television signals. In addition, Lyons

also references the ISO/IEC 13818-1 recommendation H.222.0. Lyons teaches wherein multiple

data streams (channels) are multiplexed into one output transport stream. As commonly known

in television systems, a user selects which stream (channel) they wish to view and that channel is

displayed.

9.   Concerning claims 4 and 30, Lyons teaches wherein the display device is selected from

one of a plurality of devices including a portable computer, a laptop computer, a personal digital

assistant, a web appliance, a personal computer, and a workstation on column 3, lines 14-25.

10.   With regards to claims 5 and 31, Lyons teaches wherein the first format is different in

type from the second format in column 4, lines 36-43.

11.   Regarding claims 7, 16, 32, and 40, Lyons teaches wherein the second format is selected

from the group consisting of MPEG-1, MPEG-2, MPEG-4, H.263, M-JPEG, M-GIF, ACELP,

MP1, MP2, MP3, and G.723.1 on column 4, lines 36-38. See MPEP 904.01(b) for a further

discussion on art related equivalents.

12.   Regarding claims 8, 33, and 37, Lyons teaches wherein the image capturing device is a

video camera in Figure 2, block 116, and column 3, lines 44-55.

Claim Rejections - 35 USC § 103

13.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

14.   Claims 2, 3, 9, 10, 28, 29, 34, 35, 36, 43 through 51, 54, 55 and 56 are rejected under 35

U.S.C. 103(a) as being unpatentable over Lyons.

15.   Regarding claims 2 and 28, Lyons does not teach wherein the packetized stream of

information in the first format is compressed. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to choose a first format that is compressed,

since it has been held that changing the size of the data involves only routine skill in the art. See

MPEP § 2144.04; see also *In re Rose*, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955).

16.   With regards to claims 3 and 29, Lyons does not teach wherein the display device is

coupled to a wireless network, the wireless network being coupled to the worldwide network of

computers. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to provide for a wireless network, since it has been held that making an old

device portable or movable without producing any new and unexpected result involves only

routine skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93

USPQ 23, 26 (CCPA 1952).

17.   Concerning claims 9 and 34, Lyons does not teach wherein the network gateway

comprises a lookup table. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to include a lookup table, since it has been held that providing a

means for facilitating an adjustment to the data requires routine skill in the art. See MPEP §

2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

18.   With regards to claims 10 and 35, Lyons does not teach wherein the image-capturing

device is coupled to a personal computer that is coupled via a wireless medium to the network.

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to have the image-capturing device coupled to a personal computer, since it has been held that

shifting the location of parts without producing any new and unexpected result involves only

routine skill in the art. See MPEP § 2144.04; see also *In re Japikse*, 181 F.2d 1019, 1023, 85

USPQ 70, 73 (CCPA 1950).

19.   As per claim 36, Lyons teaches a system for broadcasting to a mobile display device.

Lyons discloses a broadcast server coupled to a processor and coupled to a wide area network of

computers in Figure 2, blocks 114, 116, and column 3, lines 44-55, wherein the processor is

drawn to the input devices or servers illustrated in figure 2 and the broadcast server being drawn

to the digital studio. Lyons discusses an image retrieval portion configured to retrieve incoming

video signals in a first format in column 4, lines 36-51. Furthermore, Lyons also discloses

transcoding module coupled to the image retrieval portion and to the look up table, the

transcoding module configured to convert at least one of the incoming video signal from the first

format into the second format in response to the parameters in column 4, lines 36-51 and figure

2, blocks 210 and 212.

20.   Lyons does not teach a look up table to determine parameters for a plurality of second

formats, more suitable for at least one mobile display device, for the incoming video signals. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

include a lookup table, since it has been held that providing a means for facilitating an

adjustment to the data requires routine skill in the art. See MPEP § 2144.04; see also *In re*

Stevens, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

21.   Lyons does not teach wherein the second format is more appropriate for the mobile

display device than the first format, although it would have been obvious to one of ordinary skill

in the art at the time the invention was made to provide for a second format that was more

appropriate for display on a mobile device, since it has been held that making an old device

portable or movable without producing any new and unexpected results involves only routine

skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23,

26 (CCPA 1952). Lyons discloses where the network gateway (digital studio) can provide

multiple streams of information, having unique sets of characteristics, from which at least one

stream can be selected to be displayed on the display in column 3, lines 56-63 and column 4,

lines 36-51. Lyons states in the background of the invention that the present invention relates to

broadcasting television signals. In addition, Lyons also references the ISO/IEC 13818-1

recommendation H.222.0. Lyons teaches wherein multiple data streams (channels) are

multiplexed into one output transport stream. As commonly known in television systems, a user

selects which stream (channel) they wish to view and that channel is displayed.

22.   Regarding claims 43 and 45, Lyons teaches wherein the display device can select the

stream to display on its display in column 3, lines 56-63 and column 4, lines 36-51. Lyons states

in the background of the invention that the present invention relates to broadcasting television

signals. In addition, Lyons also references the ISO/IEC 13818-1 recommendation H.222.0.

Lyons teaches wherein multiple data streams (channels) are multiplexed into one output transport

stream. As commonly known in television systems, a user selects which stream (channel) they

wish to view and that channel is displayed.

23.   Regarding claims 44 and 46, Lyons teaches wherein a component of the network gateway

can select the stream to be displayed by the display device in column 3, lines 56-63 and column

4, lines 36-51. Lyons states in the background of the invention that the present invention relates

to broadcasting television signals. In addition, Lyons also references the ISO/IEC 13818-1

recommendation H.222.0. Lyons teaches wherein multiple data streams (channels) are

multiplexed into one output transport stream. As commonly known in television systems, there

are certain occasions wherein the studio selects what is to be displayed on the display device,

such as an Emergency Broadcast or Presidential address.

24.   Regarding claim 47, Lyons teaches wherein the display device can select the video signal

to be presented in column 3, lines 56-63 and column 4, lines 36-51. Lyons states in the

background of the invention that the present invention relates to broadcasting television signals.

In addition, Lyons also references the ISO/IEC 13818-1 recommendation H.222.0. Lyons

teaches wherein multiple data streams (channels) are multiplexed into one output transport

stream. As commonly known in television systems, a user selects which stream (channel) they

wish to view and that channel is displayed.

25.   Regarding claim 48, Lyons teaches wherein a component of the broadcasting server can

select the video signal to be presented in column 3, lines 56-63 and column 4, lines 36-51.

Lyons states in the background of the invention that the present invention relates to broadcasting

television signals. In addition, Lyons also references the ISO/IEC 13818-1 recommendation

H.222.0. Lyons teaches wherein multiple data streams (channels) are multiplexed into one

output transport stream. As commonly known in television systems, there are certain occasions

wherein the studio selects what is to be displayed on the display device, such as an Emergency

Broadcast or Presidential address.

26.   As per claims 49 and 54, Lyons teaches system to broadcast to a client device.

Lyons discloses a broadcast server coupled to a processor and coupled to a wide area network of

computers in Figure 2, blocks 114, 116, and column 3, lines 44-55, wherein the processor is

drawn to the input devices or servers illustrated in figure 2 and the broadcast server being drawn

to the digital studio. Lyons discusses an image retrieval portion configured to retrieve incoming

video signals in a first format in column 4, lines 36-51. Furthermore, Lyons also discloses a

transcoding module coupled to the image retrieval portion and which has access to the data

structure, the transcoding module being capable to convert at least one of the incoming video

signals from the first format into at least one second format based at least in part on the

parameters in column 4, lines 36-51 and figure 2, blocks 210 and 212. Lyons discusses wherein

the second format is more appropriate for the client device than the first format in column 4,

lines 36-51.

27.   Lyons does not teach a data structure usable to determine parameters for a second format

for the incoming video signals. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to include a lookup table, since it has been held that providing a

means for facilitating an adjustment to the data requires routine skill in the art. See MPEP §

2144.04; see also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

28.   Lyons does not teach wherein multiple video signals having the format more suitable for

the client device can be provided by the broadcasting server. It would have been obvious to one

of ordinary skill in the art at the time the invention was made have the broadcast server provide a

suitable format for the client device, since it has been held that providing a means for facilitating

an adjustment to the data requires routine skill in the art. See MPEP § 2144.04; see also *In re*

Stevens, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

29.   Lyons discloses wherein any one of the multiple video signals can be selected to be

presented by the client device in column 3, lines 56-63 and column 4, lines 36-51. Lyons states

in the background of the invention that the present invention relates to broadcasting television

signals. In addition, Lyons also references the ISO/IEC 13818-1 recommendation H.222.0.

Lyons teaches wherein multiple data streams (channels) are multiplexed into one output transport

stream. As commonly known in television systems, a user selects which stream (channel) they

wish to view and that channel is displayed.

30.   Regarding claim 51, Lyons teaches wherein a component of the broadcasting server can select which of the video signals to be presented by the client device in column 3, lines 56-63 and column 4, lines 36-51. Lyons states in the background of the invention that the present invention relates to broadcasting television signals. In addition, Lyons also references the ISO/IEC 13818-1 recommendation H.222.0. Lyons teaches wherein multiple data streams (channels) are multiplexed into one output transport stream. As commonly known in television systems, there are certain occasions wherein the studio selects what is to be displayed on the display device, such as an Emergency Broadcast or Presidential address.

31.   Regarding claim 55, Lyons teaches further comprising a means for allowing the client device to select one of the multiple video signals to be presented in column 3, lines 56-63 and column 4, lines 36-51. Lyons states in the background of the invention that the present invention relates to broadcasting television signals. In addition, Lyons also references the ISO/IEC 13818-1 recommendation H.222.0. Lyons teaches wherein multiple data streams (channels) are multiplexed into one output transport stream. As commonly known in television systems, a user selects which stream (channel) they wish to view and that channel is displayed.

32.   Regarding claim 56, Lyons teaches wherein the broadcasting server includes a means for selecting one of the multiple video signals to present at the client device in column 3, lines 56-63 and column 4, lines 36-51. Lyons states in the background of the invention that the present invention relates to broadcasting television signals. In addition, Lyons also references the ISO/IEC 13818-1 recommendation H.222.0. Lyons teaches wherein multiple data streams

(channels) are multiplexed into one output transport stream. As commonly known in television systems, there are certain occasions wherein the studio selects what is to be displayed on the display device, such as an Emergency Broadcast or Presidential address.

33.   Regarding claim 50, Lyons teaches wherein the client device can select which of the video signals to present and may access the selected video signals from multiple devices, including access of video signals having different formats from different devices in column 3, lines 56-63 and column 4, lines 36-51. Lyons states in the background of the invention that the present invention relates to broadcasting television signals. In addition, Lyons also references the ISO/IEC 13818-1 recommendation H.222.0. Lyons teaches wherein multiple data streams (channels) are multiplexed into one output transport stream. As commonly known in television systems, a user selects which stream (channel) they wish to view and that channel is displayed. In this case the client device can select a live broadcast or something from one of the servers.

34.   Claims 11 through 14, 17, 18, 27, 38, 39, 41, 42, 52, 53, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons in view of U.S. Patent No. 6,014,694 to Aharoni et al., hereinafter Aharoni.

35.   As per claim 11, Lyons teaches a system for personal broadcasting to a mobile display device. Lyons discloses a broadcast server coupled to a processor and coupled to a wide area network of computers in Figure 2, blocks 114, 116, and column 3, lines 44-55, wherein the processor is drawn to the input devices or servers illustrated in figure 2 and the broadcast server being drawn to the digital studio. Lyons discusses an image retrieval portion configured to

retrieve incoming video signals in a first format in column 4, lines 36-51. Furthermore, Lyons

also discloses converting the input signals to a second format in column 4, lines 36-51 and figure

2, blocks 210 and 212.

36.   Lyons does not teach wherein the network gateway comprises a lookup table. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

include a lookup table, since it has been held that providing a means for facilitating an

adjustment to the data requires routine skill in the art. See MPEP § 2144.04; see also *In re*

Stevens, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

37.   Lyons does not teach wherein the second format is more appropriate for the mobile

display device than the first format, although it would have been obvious to one of ordinary skill

in the art at the time the invention was made to provide for a second format that was more

appropriate for display on a mobile device, since it has been held that making an old device

portable or movable without producing any new and unexpected results involves only routine

skill in the art. See MPEP § 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23,

26 (CCPA 1952).

38.   Lyons teaches wherein at least one of a frame dimension and audio associate with the

incoming video signal can be changed during transmission of the video signal to the mobile

display device in column 5, lines 8-32. Lyons does not teach wherein the video signal is

changed in response to a change in a bandwidth condition.

39.   Aharoni teaches wherein the video signal is changed in response to bandwidth conditions

in the abstract, figure 12, and column 2, lines 11-28, as well as throughout the patent. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

account for changes in bandwidth, since it has been held that making the transmission rate

adjustable involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212

F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

40.   Regarding claim 12, Lyons teaches wherein the image retrieval portion is configured to

receive the incoming video signals from a video camera in Figure 2, block 116 and column 3,

lines 44-55.

41.   With regards to claims 13 and 38, Lyons teaches wherein the image retrieval portion is

configured to receive the incoming video signals from a data file in Figure 2, block 116 and

column 3, lines 44-55.

42.   Regarding claims 14 and 39, Lyons teaches wherein the second format is compressed in

column 4, lines 36-51.

43.   Concerning claims 17 and 41, Aharoni teaches wherein the parameters from the look up

table includes pixel bit-depth data in column 2 lines 24-28.

44.   Regarding claims 18 and 42, Aharoni teaches wherein the parameters from the look up

table includes frame rate data in column 2 lines 24-28.

45.   As per claim 27, Lyons teaches a system for transferring real time video information

from a source device to one of a plurality of output devices. Lyons teaches an image-capturing

device to acquire video information in Figure 2, block 116, and column 3, lines 44-55, wherein

he discloses the input device comprises cameras or recorders and all the necessary hardware,

thereby suggesting a processor, a graphics module, a packetizing portion, and an output device to

transmit the packetized stream of data via a network. For more information about digital video

cameras please refer to U.S. Patent No. 5,570,128; U.S. Patent No. 5,572,254; and U.S. Patent

No. 5,343,243. Lyons teaches a network gateway coupled to the image-capturing device in

Figures 1, 2, and 4, as well as in column 3, lines 26-34 and column 4, lines 36-51. Lyons

discloses two different instances of converting the packetized information from one format to a

second format. First, in Figure 2, block 212, Lyons teaches an analog-to-digital converter which

converts an analog signal to a digital signal. The other instance of Lyons discussing converting

the packetized information from one format to a second format is again in Figure 2, this time

block 210, and column 4, lines 36-38, wherein Lyons discusses converting the input signals to

MPEG compliant elementary streams. Lastly, Lyons discloses a packetizing portion to transfer

the packetized streams of information in the second format to the network in column 4, lines 46-

51, wherein he discusses an "output" transport stream. Lyons teaches a display device in Figure

1, block 140, in addition to discussing several display devices in column 3, lines 14-24. Lyons

discloses a set-top terminal and a computer as an example, both of which are used to convert the

packetized stream of information into video information for display and a display for displaying

the video information on the display device, such as a TV for the set-top terminal and a monitor

for the computer. Lyons discloses where the network gateway (digital studio) can provide

multiple streams of information, having unique sets of characteristics, from which at least one

stream can be selected to be displayed on the display in column 3, lines 56-63 and column 4,

lines 36-51. Lyons states in the background of the invention that the present invention relates to

broadcasting television signals. In addition, Lyons also references the ISO/IEC 13818-1

recommendation H.222.0. Lyons teaches wherein multiple data streams (channels) are

multiplexed into one output transport stream. As commonly known in television systems, a user

selects which stream (channel) they wish to view and that channel is displayed.

46.   Lyons does not teach wherein the network gateway further being able to adapt any one of

the streams to change at least one of a frame dimension and audio associated with that selected

stream during its transmission.

47.   Aharoni teaches wherein the network gateway further being able to adapt any one of the

streams to change at least one of a frame dimension and audio associated with that selected

stream during its transmission in column 2, lines 11-28. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to change at least one frame

dimension and audio associated with the stream, since it has been held that account for

adjustments involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*,

212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

48.   Regarding claims 52 and 57, Lyons does not teach wherein a different video signal can be

dynamically selected to be presented at the client device, instead of a current video signal, in

response to a change in a bandwidth condition.

49.   Aharoni teaches wherein a different video signal can be dynamically selected to be

presented at the client device, instead of a current video signal, in response to a change in a

bandwidth condition in the abstract, figure 12, and column 2, lines 11-28, as well as throughout

the patent. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to chose a different signal, since it has been held that making an adjustment to the data

stream involves only routine skill in the art. See MPEP § 2144.04; see also *In re Stevens*, 212

F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

50.   With regards to claim 53, Aharoni teaches wherein the different video signal has at least

one of a different frame dimension and a different associated audio characteristic in column 2,

lines 11-28.

51.   Regarding claim 58, Lyons does not teach wherein the means for dynamically selecting

the different video signal includes a means for dynamically selecting a video signal having at

least one of a different frame dimension and different associated audio.

52.   Aharoni teaches wherein the means for dynamically selecting the different video signal

includes a means for dynamically selecting a video signal having at least one of a different frame

dimension and different associated audio in the abstract, figure 12, and column 2, lines 11-28, as

well as throughout the patent. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to chose a different signal, since it has been held that making an

adjustment to the data stream involves only routine skill in the art. See MPEP § 2144.04; see

also *In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954).

Conclusion

53.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

54.   The following patents are cited to further show the state of the art with respect to serving video via a network, such as:

United States Patent No. 6,337,708 to Furlan et al., which is cited to show a method for distributing motion panoramic images.

United States Patent No. 6,331,869 to Furlan et al., which is cited to show a method for distributing motion panoramic images.

United States Patent No. 6,477,708 to Sawa, which is cited to show a broadcast server.

55.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

56.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

57.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704.

The examiner can normally be reached on Monday thru Thursday 7-5.

58.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

59.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
Patent Examiner
Art Unit 2131
clf

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100